

REMARKS

I. REPLY TO NON-ART OBJECTIONS

In the Office Action of February 6, 2006, claims 8, 9, 10 and 12 were objected to as being in improper dependent form, more specifically claims 8, 9 and 10 were said to be of improper form. The Examiners refused to examine some 28 claims on the merits even though applicant paid the claim fees to have them examined.

Applicant has traversed this rejection in the prior reply and believes the Examiners are not properly reading the claims in view of MPEP 608.01(n).

As one example, claim 8 recited:

8. The headgear of claims 1, 2, 3, 4, 5, 6 or 7, wherein each light source is super-bright, wide-based, low-profiled, having a wide angle of view, with a plurality of lights, and including timing circuitry enabling the lights to flash in a timed mode of operation.

MPEP 608.01(n) gives various examples of acceptable claims including the following:

**A. Acceptable Multiple Dependent Claim Wording**

...

Claim 16. A gadget as in claims 1, 7, 12, or 15, further comprising

The underlined portion in claim 8 is considered to be of the same form as the acceptable form cited above from MPEP 608.01 (n) in the same area of the claim.

The named Examiner reported in a short telephone conversation that the claims were not in accord with the forms in MPEP 608.01(n), because they introduced limitations with the word "wherein" instead of "comprising". This variance in introducing claim limitations is allowed in patent claim drafting without departing from the accepted forms for multiple dependent claims.

In order to obtain an examination of the claims for which Applicant has paid claim fees, this Request for Continued

Examination is filed in which the former dependent claims have been converted to simple dependent claims.

Applicant is not in agreement with the rejection of the other claims on the prior art, but before responding further, respectfully requests an Office action on the merits of all forty claims submitted herewith.

CONCLUSION

In view of the Amendment and Remarks, reconsideration of the patent application is respectfully requested. After the amendment, claims 1-40 are now pending and a Notice of Allowance for these claims is earnestly solicited.

A fee sheet is submitted showing that no fee is due for extra claims. If any other fee is deemed to be due or any credit due, please the Commissioner is authorized to charge Quarles & Brady deposit account no. 17-0055.

Respectfully submitted,

By: 

Michael J. McGovern  
Quarles & Brady LLP  
411 East Wisconsin Avenue  
Milwaukee, WI 53202  
(414) 277-5725  
Attorney of Record